

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO (TOLEDO)

In Re:

Rosita Dennis	)	Case No.10-33373
5047 Egger Road	)	
Toledo, OH 43615	)	Chapter 7
Debtor	)	Judge Mary Ann Whipple
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Daniel M. McDermott	)	Adversary Case No.
United States Trustee	)	
U. S. Department of Justice	)	
201 Superior Avenue E, Ste. 441	)	
Cleveland, Ohio 44114	)	
Plaintiff	)	
vs.	)	
Rosita Dennis	)	
Defendant	)	

**COMPLAINT OBJECTING TO DISCHARGE UNDER 11 U.S.C. SECTION 727**

Plaintiff, Daniel M. McDermott, United States Trustee, Ohio/Michigan Region 9, brings this action pursuant to 11 U. S. C. Section 727(a)(8) for objection to discharge of debtor Rosita Dennis (“Debtor”) and for such other relief as may be just and proper.

**PARTIES**

1. Plaintiff, Daniel M. McDermott, is the United States Trustee appointed by the Attorney General for Region 9 and has standing to bring this proceeding pursuant to 11 U. S. C. Section 727(a)(8) to object to the discharge of Debtor and for such other relief as may be just and proper.

2. As of the date of this filing, Debtor had a last known address at 5047 Egger Road, Toledo, Ohio 43615.

3. John N. Graham is the chapter 7 trustee appointed by the United States Trustee to administer the Debtor's case.

#### JURISDICTION

4. This is an adversary proceeding in which the United States Trustee is objecting to the discharge of the Debtor under 11 U. S. C. Section 727(a)(8). It is a core proceeding over which this Court has jurisdiction under 28 U. S. C. Section 157(b)(2)(J).

5. The Court has jurisdiction over this matter pursuant to 28 U. S. C. Sections 1334 and 157(a) and the "Standing Order of Referral of Title 11 Proceedings to the United States Bankruptcy Court for the Northern District of Ohio.

#### FACTS

6. On May 14, 2010, the Debtor filed a Chapter 7 petition.

7. On July 18, 2005, the Debtor filed a previous voluntary petition under Chapter 7 of the Bankruptcy Code under case number 05-37200.

8. On November 23, 2005, the Court entered an Order Discharging Debtor.

9. On June 27, 2006, case number 05-37200 was closed.

#### Count 1

10. The United States Trustee incorporates the allegations contained within paragraphs 1 through 9.

11. 11 U. S. C. Section 727(a)(8) provides in relevant part that the Court shall deny a discharge of the debtor if the debtor has been granted a discharge under this section in a case

commenced within eight years before the date of the filing of the petition.

12. The United States Trustee alleges that the discharge of the Debtor under case number 05-37200 filed on November 23, 2005, occurred within the eight year time period proscribed by 11 U. S. C. Section 727(a)(8).

WHEREFORE, the United States Trustee asks this Court to deny the Debtor's discharge under 11 U. S. C. Section 727(a)(8) and for such further relief as this Court deems just and proper.

Respectfully Submitted,

Daniel M. McDermott  
United States Trustee  
Ohio/Michigan, Region 9

/s/ Linda Maria Battisti  
Linda M. Battisti (#0017046)  
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U. S. Department of Justice  
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